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Attorneys for Defendant, Anthony Mark Abode  
Our File No. 20.70060

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**BASSEM KANDIL and FLORA KANDIL,  
his wife,**

**Plaintiffs,**

**vs.**

**POLICE OFFICER GARY YURKOVIC,  
POLICE OFFICER ANTHONY MARK  
ABODE, POLICE OFFICER WILLIAM C.  
OELS, III, SERGEANT WILLIAM  
OELS, CHIEF OF POLICE, CITY OF  
NEW BRUNSWICK, CITY OF NEW  
BRUNSWICK POLICE DEPARTMENT,  
MIDDLESEX COUNTY PROSECUTOR'S  
OFFICE, MIDDLESEX COUNTY  
CORRECTIONAL FACILITY, JOHN DOE  
SUPERVISING OFFICERS 1-10, JOHN  
DOES 1-10, ABC CORPS. 1-10,**

**Defendants.**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**CIVIL ACTION  
NO. 06-4701 (JAG-MCA)**

**NOTICE OF MOTION FOR SUMMARY  
JUDGMENT ON BEHALF OF  
DEFENDANT, ANTHONY MARK ABODE**

TO: Robert D. Kobin, Esq.  
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Succasunna, NJ 07876  
Attorneys for Plaintiffs, Bassem Kandil and Flora Kandil

William T. Connell, Esq.  
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Attorneys for Defendant, Police Officer Gary Yurkovic

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20 Glenview Drive  
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Attorneys for Defendant, Officer William C. Oels, III

Susan K. O'Connor, Esq.  
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New Brunswick, NJ 08903  
Attorneys for Defendants, City of New Brunswick, New Brunswick  
Police Department, Director Catanese (designated as "Chief of  
Police") and Sergeant William Oels, Jr.

Lawrence Y. Bitterman, Esq.  
247 Livingston Avenue  
New Brunswick, NJ 08901  
Personal Attorney for William Oels, Jr. and Sr. and Gary Yurkovic

PLEASE TAKE NOTICE that on October 19, 2009 or a date set by the Court, the undersigned, attorney for Defendant, Anthony Mark Abode, shall apply to the United States District Court for the District of New Jersey, Newark, New Jersey, for an Order dismissing the Plaintiffs' Amended Complaint, with prejudice, as to Defendant, Anthony Mark Abode.

PLEASE TAKE FURTHER NOTICE that the Defendant, Anthony Mark Abode, will rely on the attached Certification of Gary S. Spagnola, Esq., Statement of Non-Necessity of Brief, and Certification of Service of Gary S. Spagnola, Esq., submitted in support of the Notice of Motion for Summary Judgment on his behalf together with the Procedural History, Statement of Material Facts, Joint Brief, Affidavit of Julia McClure and Certification of William T. Connell, Esq., and the Exhibits attached to the Certification, submitted by William T. Connell, Esq., in support of the Notice of Motion for Summary Judgment on behalf of Defendant, Gary Yurkovic.

PLEASE TAKE FURTHER NOTICE that oral argument is waived unless

the within Notice of Motion is opposed.

A proposed form of Order is annexed hereto.

GOLDEN, ROTHSCHILD, SPAGNOLA,  
LUNDELL, LEVITT & BOYLAN, P.C.  
Attorneys for Defendant,  
Anthony Mark Abode

/s/ Gary S. Spagnola

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GARY S. SPAGNOLA

Dated: August 31, 2009